

Student Services

1 AP 5530 STUDENT RIGHTS AND GRIEVANCES

2 References:

- 3 Education Code, Section 76224(a);
- 4 Title IX, Education Amendments of 1972;
- 5 Sections 504 and 508 of the Rehabilitation Act of 1973;
- 6 Americans with Disabilities Act of 1990;
- 7 ACCJC Accreditation Eligibility Requirement 20;
- 8 ACCJC Accreditation Standard IV.D.

9 Note: Complaints under Section 504, Section 508, and/or the Americans with Disabilities
10 Act are to be made to the Section 504/508/ADA Coordinator in the Disabled Student
11 Programs and Services Office or to the Diversity/Compliance/Title IX Officer in the Human
12 Resources Office. Complaints of sexual harassment and other illegal discrimination are
13 to be made to the Diversity/Compliance/Title IX Officer in the Human Resources Office or
14 the Vice President of Human Resources.

15 If a student files a grievance under this procedure that includes an allegation of unlawful
16 discrimination, including harassment or retaliation, the grievance, or portion of the
17 grievance, will immediately be referred to (i) the Diversity/Compliance/Title IX Officer or
18 to the Vice President of Human Resources or designee per AP 3435, "Intake and
19 Processing of the Complaint," or to (ii) the Cerritos College Section 504/ADA Coordinator
20 per Administrative Procedure 3412, for attempted informal resolution or investigation.

21 STUDENT GRIEVANCE PROCEDURES

22 A student of the College may address grievances as applied to and regarding academic,
23 administrative, and instructional matters relating to students, and including, but not limited
24 to, any grievance dealing with any academic or management employee of the District.

25 A grievance shall herein be defined as any act depriving a student of any of the rights set
26 forth in the statement of "Student Rights and Responsibility," or any state, federal, or local
27 codes. Grades and grading grievances are addressed within this administrative
28 procedure. Student should refer to "Student Grade Grievance Procedure."

29 The determination of whether the Statement of Grievance presents sufficient grounds for
30 a hearing shall be based on the following:

- 31 • The statement contains facts which, if true, would constitute a grievance under
32 these procedures;
- 33 • The grievant is a student, which include applicants and former students;
- 34 • The grievant is personally and directly affected by the alleged grievance;
- 35 • The grievance was filed in a timely manner;

- 36 • The grievance is not clearly frivolous, clearly without foundation, or clearly filed for
37 purposes of harassment.

38 If the grievance does not meet each of the requirements, the Office of Student Conduct
39 and Grievance or ASCC Chief Justice or designee shall notify the student in writing of the
40 rejection of the request for a grievance hearing, together with the specific reasons for the
41 rejection and the procedures for appeal.

42 **GRIEVANCE PROCEDURE (EXCEPT GRADES AND GRADING, SEXUAL**
43 **HARASSMENT, AND OTHER ILLEGAL DISCRIMINATION):**

44 **STEP I - INFORMAL ACTION**

45 A. The student with a grievance shall first attempt to resolve the matter by informal
46 discussion with the employee(s) involved.

47 B. If the problem is not resolved in step I-A, the student shall then attempt to resolve
48 the matter by informal discussion with the person at the lowest level of supervisory
49 authority for the person with whom there is a complaint.

50 C. If the grievant still believes the issue has not been resolved satisfactorily after Step
51 I-B, a student Statement of Grievance Form may be obtained from the Office of
52 Student Conduct and Grievance. After completion of the Form, specifying the time,
53 place, nature of the complaint and remedy or correction requested, it should be
54 submitted to the Coordinator of Student Conduct and Grievance who will send a
55 copy of the written statement to the ASCC Supreme Court Chief Justice and the
56 Vice President of Academic Affairs. This statement must be submitted within 30
57 instructional days after the grievant has become aware of the act or condition on
58 which the complaint is based. An instructional day is defined as any day Monday
59 through Friday that all normal college business is conducted, both in the classroom
60 and administrative offices. All weekend days and college holidays are excluded.

61 D. The ASCC Chief Justice or Court designee shall attempt to resolve the problem
62 through informal meeting and discussion among the pertinent parties while
63 remaining neutral on all issues involved. This informal meeting and discussion is
64 intended to include the levels of management or administration concerned with the
65 problem and should be completed within ten instructional days, as such days are
66 defined herein. In the event the informal procedure fails, the formal procedure may
67 be implemented.

68 **STEP II - FORMAL ACTION**

69 **A. PRELIMINARY STEPS**

70 1. If the grievant does not believe the grievance has been resolved, the grievant may
71 request Step II-Formal Action through the ASCC Chief Justice. The Chief Justice

72 upon receiving the request of the grievant shall call a meeting of the Student
73 Grievance Hearing Committee. The Hearing Committee will be composed in the
74 following manner:

- 75 • ASCC Chief Justice or designee and two Court Justices or designees,
- 76 • the Vice President of Academic Affairs or administrative designee,
- 77 • the Faculty Senate President or Senate designee, and
- 78 • one Faculty Senate member, chosen by the Faculty Senate.

79 If replaced per section II.A.5. herein, the ASCC Chief Justice or designee or Court
80 Justices or designees substitute(s) shall be appointed by the ASCC Court.

81 2. The Chief Justice or designee shall serve as the Hearing Committee Chair, but shall
82 have no vote in committee decisions. The five voting members of the Hearing
83 Committee may be selected within the first six weeks of the academic year. Names
84 selected by the Faculty Senate are to be submitted to the Chief Justice. Members
85 of the Committee are to serve for an academic year.

86 3. The Vice President of Academic Affairs or administrative designee shall serve as
87 Hearing Committee Executive Secretary. The Executive Secretary, a voting
88 member of the committee, shall be responsible for keeping necessary records of
89 committee hearings and assist the ASCC Chief Justice in the conduct of the
90 hearing.

91 4. Grievance Committee members are to deal with all grievances in a confidential
92 manner, except when both parties agree to a public hearing or otherwise required
93 by law.

94 5. No person shall serve as a member of a Hearing Committee if that person has been
95 personally involved in any matter giving rise to the grievance, has made any
96 statement on the matters at issue, or could otherwise not act in a neutral manner.
97 Any party to the grievance may challenge for cause any member of the hearing
98 committee prior to the beginning of the hearing by addressing a challenge to the
99 Hearing Committee Chair, who shall determine whether cause for disqualification
100 has been shown. If the Hearing Committee Chair determines that sufficient
101 grounds for removal of a member of the committee have been presented, the
102 Hearing Committee Chair shall remove the challenged member or members and
103 request a substitute from the original appointing constituent group.

104 B. FORMAL HEARING

105 The Hearing Committee shall conduct its proceedings according to the following
106 procedures:

107 1. The Hearing Committee must meet within 15 instructional days after informal action
108 has been completed and the grievant has requested a formal hearing.

- 109 2. The Chair must notify the parties involved within five instructional days before the
110 hearing of the date, time, and location of the hearing and must include a copy of
111 the written complaint, a copy of the Statement of Student Rights and
112 Responsibilities, and copy of the Grievance Procedure.
- 113 3. Four members shall constitute a quorum by which Hearing Committee business
114 may proceed. The quorum must include at least one student member, one faculty
115 member, and one administrative member.
- 116 4. The members of the Hearing Committee shall be provided with a copy of the
117 grievance and any written response provided by the respondent before the hearing
118 begins.
- 119 5. Both parties shall have the right to present personal statements, testimony,
120 evidence, and witnesses. Formal rules of evidence shall not apply. Any relevant
121 evidence shall be admitted. Unless the Hearing Committee determines to proceed
122 otherwise, each party to the grievance shall be permitted to make an opening
123 statement. Thereafter, the grievant or grievants shall make the first presentation,
124 followed by the respondent or respondents. The grievant(s) may present rebuttal
125 evidence after the respondent(s)' evidence. The burden shall be on the grievant
126 or grievants to prove by substantial evidence that the facts alleged are true.
- 127 6. Each party shall have the right to be present, to be accompanied by the person of
128 his or her choice (who may not participate in the hearing), and to question
129 witnesses who are present. In a closed hearing, witnesses shall not be present at
130 the hearing when not testifying, unless all parties and the committee agree to the
131 contrary.
- 132 7. The hearing shall be recorded by the Coordinator of Student Conduct and
133 Grievance, either by audio recording or stenographic recording, and shall be the
134 only recording made. No witness who refuses to be recorded may be permitted to
135 give testimony. The audio or stenographic recording shall remain in the custody
136 of the District, at all times, unless released to a professional transcribing service.
137 Any recognized party to the grievance may request a copy of the recording.
- 138 8. The Hearing Committee Chair shall, at the beginning of the hearing, ask each
139 person present to identify themselves by name, and thereafter shall ask witnesses
140 to identify themselves by name.
- 141 9. The Hearing Committee shall discuss the stated grievance(s), hear testimony,
142 examine witnesses, and receive all available evidence to the charge.
- 143 10. The hearing shall be closed to the public unless otherwise agreed upon in writing
144 by both parties.

145 11. The Hearing Committee shall make decisions in private. The Hearing Committee
146 shall write up findings and decisions. Copies of findings and decisions, including
147 majority and minority reports, are to be sent to each party and the appropriate Vice
148 President. The Hearing Committee's decision(s) shall be final unless appealed.

149 12. A recording of the proceedings shall be kept in a confidential file in the Office of
150 Student Conduct and Grievance and shall be available at all times to parties
151 directly involved. All documents, communications, and records dealing with the
152 processing of a grievance will be filed separately from the personnel files of the
153 participants. After a period of four years, the grievance file shall be destroyed.

154 13. Reprisals of any kind will not be taken by the District or any of its agents against
155 any party of interest or any other participant in the grievance procedure by reason
156 of such participation.

157 14. Evidence and testimony given in each case presented shall not be the sole cause
158 of initiating or filing further grievances.

159 15. If the grievant does not act within the time limits provided herein, the ability to
160 proceed with the grievance shall be terminated and no further action will be taken.

161 16. The number of instructional days indicated at each step herein should be
162 considered a maximum and every effort must be made to expedite the process.
163 Time limits may be extended by mutual consent in writing or by decision of the
164 Hearing Committee.

165 17. The Hearing Committee should attempt to reach a decision by discussion and
166 consensus on a workable solution. Voting should be a last course of action.

167 18. If in the course of the proceedings a student graduates before a solution is found,
168 the student shall not be denied full consideration under this policy. A student may
169 also submit a grievance after graduation if the grievance did not become known
170 until that time. However, it must be submitted within 30 instructional days after the
171 grievant should have reasonably become aware of the act or condition on which
172 the complaint is based.

173 APPEALS PROCESS

174 1. If a party wishes to formally appeal a recommendation of the Hearing Committee,
175 an appeal must be submitted within ten instructional days to the appropriate Vice
176 President, provided the appropriate Vice President is not a direct party to the
177 grievance. If the appropriate Vice President is a direct party to the grievance, and
178 either party is dissatisfied with the recommendation of the Hearing Committee, an
179 appeal may be submitted to a Vice President/Assistant Superintendent not a direct
180 party to the grievance.

- 181 2. Upon receiving the findings and recommendations of the Hearing Committee, and
182 after examination of the appeal as requested by either party, the appropriate Vice
183 President or alternate may accept or reject the Hearing Committee's decision.
- 184 3. If the appropriate Vice President or alternate rejects the Hearing Committee's
185 decision, he or she shall submit his or her decision with the stated reasons for
186 objections to the Hearing Committee within ten instructional days. The Hearing
187 Committee shall within ten instructional days reconsider its decision(s) and submit
188 its decisions to the appropriate Vice President for a final decision.
- 189 4. The appropriate Vice President shall transmit his or her final decision to the parties
190 within ten instructional days.
- 191 5. An appeal of the appropriate Vice President's decision may be submitted to the
192 President/Superintendent by either party within five instructional days of the
193 appropriate Vice President's decision. The President/Superintendent shall
194 transmit his or her final decision to the parties within ten instructional days.
- 195 6. An appeal of the President/Superintendent's decision may be submitted to the
196 Board of Trustees by either party within five instructional days of the
197 President/Superintendent's decision. The Board of Trustees may review an
198 appeal for two consecutive regular Board meetings before making a final
199 determination of the matter at the District level.
- 200 7. The President/Superintendent or designee, or the Board of Trustees may reject a
201 Hearing Committee decision only after reviewing a transcription of the involved
202 hearing.

203 **STUDENT GRADE GRIEVANCE PROCEDURE**

204 A student of the College may present a grade grievance. The California Education Code,
205 Section 76224, quoted below, states clearly the conditions upon which grades or grading
206 can be questioned.

207 "When grades are given for any courses of instruction taught in a community college
208 district, the grade given to each student shall be determined by the instructor of the course
209 and the determination of the student's grade by the instructor, in the absence of mistake,
210 fraud, bad faith, or incompetence, shall be final." "Mistake" may include, but is not limited
211 to, errors made by an instructor in calculating a student's grade and clerical errors.

212 **STEP I – INDIVIDUAL ACTION**

213 A student who believes a final course grade was assigned due to mistake, fraud, bad
214 faith, or incompetence shall meet with the faculty member to resolve his or her concern.

215 STEP II – MANAGEMENT ACTION

216 Note: If a student files a grade grievance that includes an allegation of unlawful
217 discrimination, including harassment or retaliation, the grievance, or portion of the
218 grievance, will immediately be referred to (i) the Diversity/Compliance/Title IX Officer or
219 to the Vice President of Human Resources or designee per AP 3435, "Intake and
220 Processing of the Complaint" or to (ii) the Cerritos College Section 504/ADA Coordinator
221 per AP 3412, for attempted informal resolution or investigation.

222 1. The student will obtain a Grade Grievance Form from the Office of Student Conduct
223 and Grievance.

224 2. The student must return the Grade Grievance Form to the Office of Student Conduct
225 and Grievance within 30 instructional days after the completion of the course about
226 which the grade grievance is filed. An instructional day is defined as any day
227 Monday through Friday that all normal college business is conducted, both in the
228 classroom and in the administrative offices. All weekend days and college holidays
229 are excluded.

230 3. The Student Conduct and Grievance Coordinator will meet with the student and
231 review the completed Grade Grievance Form. If the student wishes to pursue the
232 grievance, the Student Conduct and Grievance Coordinator will sign and date the
233 Form. In the absence of the Coordinator, the Dean of Student Services will perform
234 these duties.

235 4. The student will present a copy of the Grade Grievance Form to the applicable
236 Division Dean. The Division Dean may schedule a meeting of all concerned if
237 appropriate. The Division Dean should schedule a meeting only if the Form has
238 the signature of the Student Conduct and Grievance Coordinator and is dated. In
239 the absence of the Coordinator, the Dean of Student Services will meet with the
240 Division Dean. The Division Dean shall make a recommendation to the parties
241 within ten instructional days.

242 STEP III – ADMINISTRATIVE ACTION

243 If either party is dissatisfied with the recommendation of the Division Dean, he or she may
244 appeal the matter to the Vice President of Academic Affairs or designee within ten
245 instructional days of the Division Dean's recommendation. The Vice President of
246 Academic Affairs or designee shall call a meeting with the student, the ASCC Chief
247 Justice, the Division Dean, and if needed, the faculty member. The Vice President of
248 Academic Affairs or designee shall transmit his or her decision to the parties within ten
249 instructional days.

250 STEP IV – PRESIDENT/SUPERINTENDENT ACTION

251 If either party chooses to appeal the decision of the Vice President of Academic Affairs,
252 he or she may appeal the matter to the President/Superintendent of the College within
253 ten instructional days of such decision. If a faculty member is dissatisfied with a
254 recommendation and neither acts on it, nor appeals it, the Vice President of Academic
255 Affairs will forward the matter to the President/Superintendent. The
256 President/Superintendent will review the recommendation and if needed, request persons
257 involved in the grievance to meet.

258 The President/Superintendent shall make a recommendation within ten instructional
259 days. If either party is dissatisfied with the recommendation of the
260 President/Superintendent, an appeal of the President/Superintendent’s recommendation
261 may be submitted to the Board of Trustees by either party. The appeal must be submitted
262 within ten instructional days after the President/Superintendent’s recommendation. The
263 Board may review an appeal for two consecutive regular Board meetings, and if needed,
264 request persons involved in the grievance to appear before making a final determination
265 of the matter at the District level.

266 Also see AP 4231 titled Grade Changes

267 Office of Primary Responsibility: Vice President, Student Services

Date Approved: October 15, 2007

Dates Revised: February 25, 2008, May 3, 2010; April 25, 2016